

calendar year are recorded under § 73.34(a) until December 31, allowances available for use by the unit in the current calendar year and, after December 31 until the date that deductions are made under § 73.35(b), allowances available for use by the unit in the preceding calendar year, for the purpose of meeting the unit's Acid Rain emissions limitation for sulfur dioxide.

*Compliance use date* means the first calendar year for which an allowance may be used for purposes of meeting a unit's Acid Rain emissions limitation for sulfur dioxide.

*Conservation Verification Protocol* means a methodology developed by the Administrator for calculating the kilowatt hour savings from energy conservation measures and improved unit efficiency measures for the purposes of title IV of the Act.

*Construction* means fabrication, erection, or installation of a unit or any portion of a unit.

*Consumer Price Index or CPI* means, for purposes of the Acid Rain Program, the U.S. Department of Labor, Bureau of Labor Statistics unadjusted Consumer Price Index for All Urban Consumers for the U.S. city average, for All Items on the latest reference base, or if such index is no longer published, such other index as the Administrator in his or her discretion determines meets the requirements of the Clean Air Act Amendments of 1990.

(1) *CPI (1990)* means the CPI for all urban consumers for the month of August 1989. The "CPI (1990)" is 124.6 (with 1982-1984=100). Beginning in the month for which a new reference base is established, "CPI (1990)" will be the CPI value for August 1989 on the new reference base.

(2) *CPI (year)* means the CPI for all urban consumers for the month of August of the previous year.

*Continuous emission monitoring system or CEMS* means the equipment required by part 75 of this chapter used to sample, analyze, measure, and provide, by readings taken at least once every 15 minutes, a permanent record of emissions, expressed in pounds per hour (lb/hr) for sulfur dioxide and in pounds per million British thermal units (lb/mmBtu) for nitrogen oxides. The following systems are component parts

included in a continuous emission monitoring system:

- (1) Sulfur dioxide pollutant concentration monitor;
- (2) Flow monitor;
- (3) Nitrogen oxides pollutant concentration monitors;
- (4) Diluent gas monitor (oxygen or carbon dioxide);
- (5) A continuous moisture monitor when such monitoring is required by part 75 of this chapter; and
- (6) A data acquisition and handling system.

*Continuous opacity monitoring system or COMS* means the equipment required by part 75 of this chapter to sample, measure, analyze, and provide, with readings taken at least once every 6 minutes, a permanent record of opacity or transmittance. The following systems are component parts included in a continuous opacity monitoring system:

- (1) Opacity monitor; and
- (2) A data acquisition and handling system.

*Control unit* means a unit employing a qualifying Phase I technology in accordance with a Phase I extension plan under § 72.42.

*Current year subaccount* means the subaccount in an Allowance Tracking System general account, established pursuant to § 73.31(c) of this chapter, in which are held allowances that may be transferred to a unit's compliance subaccount for use by the unit for the purpose of meeting its Acid Rain sulfur dioxide emissions limitation.

*Customer* means a purchaser of electricity not for purposes of transmission or resale.

*Decisional body* means any EPA employee who is or may reasonably be expected to act in a decision-making role in a proceeding under part 78 of this chapter, including the Administrator, a member of the Environmental Appeals Board, and a Presiding Officer, and any staff of any such person who are participating in the decisional process.

*Demand-side measure* means a measure:

- (1) To improve the efficiency of consumption of electricity from a utility by customers of the utility; or
- (2) To reduce the amount of consumption of electricity from a utility by

customers of the utility without increasing the use by the customer of fuel other than: Biomass (i.e., combustible energy-producing materials from biological sources, which include wood, plant residues, biological wastes, landfill gas, energy crops, and eligible components of municipal solid waste), solar, geothermal, or wind resources; or industrial waste gases where the party making the submission involved certifies that there is no net increase in sulfur dioxide emissions from the use of such gases. "Demand-side measure" includes the measures listed in part 73, appendix A, section 1 of this chapter.

*Designated representative* means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source or by the owners and operators of a combustion source or process source, as evidenced by a certificate of representation submitted in accordance with subpart B of this part, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible official" is used in part 70 of this chapter, in any other regulations implementing title V of the Act, or in a State operating permit program, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

*Desulfurization* refers to various procedures whereby sulfur is removed from petroleum during or apart from the refining process. "Desulfurization" does not include such processes as dilution or blending of low sulfur content diesel fuel with high sulfur content diesel fuel from a diesel refinery not eligible under 40 CFR part 73, subpart G.

*Diesel-fired unit* means, for the purposes of part 75 of this chapter, an oil-fired unit that combusts diesel fuel as its fuel oil, where the supplementary fuel, if any, shall be limited to natural gas or gaseous fuels containing no more sulfur than natural gas.

*Diesel fuel* means a low sulfur fuel oil of grades 1-D or 2-D, as defined by the American Society for Testing and Materials standard ASTM D975-91, "Standard Specification for Diesel

Fuel Oils," grades 1-GT or 2-GT, as defined by ASTM D2880-90a, "Standard Specification for Gas Turbine Fuel Oils," or grades 1 or 2, as defined by ASTM D396-90, "Standard Specification for Fuel Oils" (incorporated by reference in § 72.13).

*Diesel reciprocating engine unit* means an internal combustion engine that combusts only diesel fuel and that thereby generates electricity through the operation of pistons, rather than by heating steam or water.

*Diluent gas* means a major gaseous constituent in a gaseous pollutant mixture, which in the case of emissions from fossil fuel-fired units are carbon dioxide and oxygen.

*Diluent gas monitor* means that component of the continuous emission monitoring system that measures the diluent gas concentration in a unit's flue gas.

*Direct public utility ownership* means direct ownership of equipment and facilities by one or more corporations, the principal business of which is sale of electricity to the public at retail. Percentage ownership of such equipment and facilities shall be measured on the basis of book value.

*Direct Sale Subaccount* means a subaccount in the Special Allowance Reserve, as specified in section 416(b) of the Act, which contains Phase II allowances to be sold in the amount of 25,000 per year, from calendar year 1993 to 1999, inclusive, and of 50,000 per year for each year beginning in calendar year 2000, subject to the adjustments noted in the regulations at part 73, subpart E of this chapter.

*Dispatch* means the assignment within a dispatch system of generating levels to specific units and generators to effect the reliable and economical supply of electricity, as customer demand rises or falls, and includes:

- (1) The operation of high-voltage lines, substations, and related equipment; and
- (2) The scheduling of generation for the purpose of supplying electricity to other utilities over interconnecting transmission lines.

*Dispatch system* means either:

- (1) A specified unit and generator or specified group of units, and portions of